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General Assembly's Move to Expand Firefighter Overtime Would Put Additional Burden on Taxpayers

R.I.'s highest fire costs in the nation to increase further

PROVIDENCE – The Rhode Island General Assembly, House Committee on Labor, scheduled a vote today on a bill that would expand firefighter overtime, take more compensation items off the bargaining table and allow the state to interfere in local governance decisions. The expansion of overtime above federal standards will further increase the tax burden on local taxpayers.

H5662 would require firefighters to receive overtime pay for any hours worked over 42 in a workweek. The legislation, intended to limit local officials' ability to modify platoon structures in a way that meets the community's needs, will result in higher costs to cities and towns taxpayers. H5663 would remove the state overtime exemption for firefighters and rescue personnel.

"The General Assembly should not be interfering with local workforce management decisions," said **Brian Daniels, Executive Director of the League of Cities and Towns**. "With the highest fire protections costs in the nation, Rhode Island should not be setting a lower threshold for overtime hours than required under federal law, which would only raise personnel costs instead of investing scarce tax dollars into lifesaving equipment. Rhode Island's 39 cities and towns all have different public safety needs that onerous legislation will not fix."

Rhode Island had the highest per capita spending on fire protection services in FY2016 – *more than double the national average*, according to the RI Public Expenditure Council. That high level of spending contributes to Rhode Island's 7th highest property tax burden in the country, according to the Tax Foundation.

The Fair Labor Standards Act – the Federal law and regulations that govern minimum wages and overtime – specifically allows higher overtime thresholds for police and firefighters than the standard 40 hours. Under FLSA, firefighters are not required to receive overtime unless they have worked more than 212 hours in 28 days, or 53 hours per week. FLSA recognizes that many public safety officials have more complex schedules, often working one 24-hour shift and then having multiple days off, Daniels explained.

City and town managers and local public safety directors have tried to find efficiencies by addressing platoon structure and schedules. North Kingstown enacted a three-platoon structure that averaged 56 hours of work per week, but with two days off between 24-hour shifts. The Rhode Island Supreme Court, in

upholding the town's decision, ruled that "the decision to implement the three-platoon structure is a management right of the town."

"If the RI Supreme Court has upheld management's right to staff and schedule its fire services, and FLSA allows longer standard work weeks for firefighters, there is no reason for the state to set a lower threshold for overtime than required under federal law, as this bill would do," **added Daniels**. "This bill would infringe on local officials' ability to manage their public safety forces efficiently and would lead to even higher taxes in numerous communities."

"The General Assembly has to stop working against taxpayers by tying the hands of municipal officials and pre-empting their decisions," **Daniels said**. "The League urges the committee to oppose this bill."

Founded in 1968, the Rhode Island League of Cities and Towns is a municipal membership organization that serves as the unified voice of local government in Rhode Island.

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